

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

VICKI V. BUSBY, individually and)
on behalf of all others similarly)
situated,)
Plaintiffs,)
v.) Case No.: 2:04-CV-2799-VEH
JRHBW REALTY, INC. d/b/a)
REALTYSOUTH,)
Defendant.)

ORDER

Pending before the court is Defendant JRHBW Realty, Inc.’s (“RealtySouth”) Motion for Stay of Proceedings (Doc. 217) (the “Motion”) filed on December 13, 2011. The Motion seeks a “stay in this case in light of the United States Supreme Court’s grant of the petition for a writ of certiorari in *Freeman v. Quicken Loans, Inc.*, (U.S. 10-1042).” (Doc. 218 at 2).

The court entered a show cause order on the Motion on January 5, 2012, and Plaintiffs filed their response (Doc. 221) on January 10, 2012. In their response, Plaintiffs agree to a partial stay, but object to a stay of all proceedings and instead seek “to permit the claims administrative process to proceed, pursuant to the Order

on Claims Administrative Process (Doc. 197) of July 15, 2010.” (Doc. 221 at 2).

Having studied both sides’ positions, the court disagrees with Plaintiffs “that judicial economy would be best served by permitting this process to conclude” (Doc. 221 at 2) and determines instead that a complete stay is appropriate. In this court’s view, it does not make sense to spend significant resources on scheduling, briefing, and deciding disputed claims when it is possible that a decision by the Supreme Court in *Freeman* could render Plaintiffs’ RESPA claims unviable.

On December 12, 2011, RealtySouth filed its notice regarding contested claims. (Doc. 216). Accordingly, the scope of any disputed claims is fixed. If the Supreme Court’s decision in *Freeman* confirms that Plaintiffs’ RESPA claims are actionable, then the parties are **ORDERED** to jointly file with the court, within two weeks of that decision, a proposed schedule for addressing the disputed claims that RealtySouth has identified in Doc. 216.

Accordingly, RealtySouth’s Motion is **GRANTED**, and this litigation is **HEREBY STAYED** pending a decision by the Supreme Court in *Freeman*.

DONE and **ORDERED** this the 12th day of January, 2012.


VIRGINIA EMERSON HOPKINS
United States District Judge